

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY HOYT,)	
)	
Plaintiff(s),)	No. C10-1778 RS (BZ)
)	
v.)	
)	ORDER GRANTING IN PART AND
CITY AND COUNTY OF SAN)	DENYING IN PART PLAINTIFF'S
FRANCISCO, et al.,)	MOTION TO COMPEL
)	
Defendant(s).)	
_____)	

Before the Court is plaintiff's motion to compel defendants to provide further discovery responses. Docket No. 51. After a telephone conference with the Court, the parties met and conferred and resolved some of the outstanding discovery issues raised by plaintiff's motion. Docket No. 53. The only remaining dispute that plaintiff asks the Court to rule on is whether defendants, who have already produced in response to document requests numbers 8 and 18 all discipline reports and citizen complaints concerning defendant Officer Hank Lum's use of force, shall be compelled to produce all other reports and complaints, even if they are unrelated to

1 the use of force.¹ Id.

2 Having reviewed the parties' papers, **IT IS HEREBY ORDERED**
3 that plaintiff's motion is **GRANTED IN PART AND DENIED IN PART.**

4 With respect to discipline reports (document request number
5 8), defendants are **ORDERED** to produce any other reports that
6 reflect adversely on Officer Lum's credibility, such as any
7 reports regarding Officer Lum being disciplined for lying.

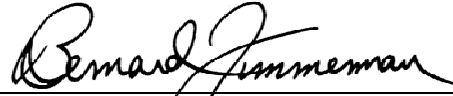
8 Even though these reports are unrelated to the use of force,
9 they may contain information or may lead to information that
10 may be used to impeach Officer Lum. Defendants shall review
11 Officer Lum's discipline reports and produce any that are
12 subject to this Order by no later than **June 23, 2011.** To
13 protect the privacy interests of defendants, the reports shall
14 be produced under an "attorney's eyes only" protective order
15 and shall be returned to defendants at the conclusion of this
16 litigation. Defendants, however, are not required to produce
17 any other citizen complaints (document request number 18)
18 involving Officer Lum. The potential relevance and probative
19 value of such reports are minimal and outweighed by the burden
20 imposed on defendants.

21 Plaintiff's motion to compel asks the Court to award him
22 attorneys' fees for bringing his motion. Docket No. 51 at 19.
23 Plaintiff does not renew this request for fees in his
24 supplemental memorandum which outlines the outstanding
25 discovery issues. Docket No. 53. In any event, plaintiff's
26 request for fees is improper because he has not complied with

27 ¹ Plaintiff has limited his request for reports and
28 complaints from 10 years to 5 years. Docket No. 53.

1 Civil Local Rules 7-8(a) and 37-3 which require such requests
2 to be filed separately and the expenses requested to be
3 itemized. As such, plaintiffs' request for fees against
4 defendants is **DENIED**.

5 Dated: June 9, 2011



Bernard Zimmerman
United States Magistrate Judge

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